

**Silicon Valley office:**

2099 Gateway Place, Suite 320  
San Jose, CA 95110-1017  
Telephone: (408) 451-5900  
Facsimile: (408) 451-5908

**Tri-Valley office:**

1432 Concannon Blvd., Bldg. G  
Livermore, CA 94550  
Telephone: (925) 371-8186  
Facsimile: (925) 371-8187

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**To:** USPTO  
Attn: Examiner Alina A. Boutah

**From:** Jeanette S. Harms, Esq.  
Ph: (408) 451-5907  
Email: [jharms@beverlaw.com](mailto:jharms@beverlaw.com)

**Fax:** (703) 872-9306

**Pages:** 6 (including Fax coversheet)

**Phone:** (703) 305-5104

**Date:** October 15, 2004

**Re:** S/N: 09/592,321  
Atty. Dkt. No.: TEL-00-003  
ADVISORY ACTION

**CC:**

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• **Comments:**

**FOLLOWING PLEASE SEE THE INQUIRY REGARDING THE  
ADVISORY ACTION.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: Brandon William Porter et al.  
Assignee: Tellme Networks, Inc.  
Title: Method And Apparatus For Phone Application State  
Management Mechanism  
Serial No.: 09/592,321 File Date: June 13, 2000  
Examiner: Alina A. Boutah Art Unit: 2143  
Docket No.: TEL-00-003

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Date: October 15, 2004

Via Facsimile  
Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INQUIRY REGARDING ADVISORY ACTION

An Advisory Action dated September 24, 2004 (copy attached) has been received by our office on September 27, 2004.


In a telephone conversation between Jeanette S. Harms and Examiner Alina B. Boutah on July 13, 2004, the Examiner stated that the Response to the Final Office Action dated February 5, 2004, first mailed on April 21, 2004, and then faxed on June 25, 2004 had not been received by the USPTO. The Examiner stated that we would have two months from the date the next Office Action was mailed to respond. In a further telephone conversation between Jeanette S. Harms and Examiner Alina B. Boutah on August 5, 2004, the Examiner stated that the USPTO had received the Response faxed on June 25, 2004, but that it had not been forwarded for her review as yet.

We have now received the Advisory Action which states that the period for reply expires 2 months from the mailing date of the final rejection. Please confirm that the response timeframe is actually 2 months from the mailing date of the Advisory Action (September 24, 2004) and that the deadline for response is in fact November 24, 2004.

Please telephone the undersigned at 408-451-5907 to expedite prosecution of this case.

Respectfully submitted,

Customer No.: 24488

  
Jeanette S. Harms  
Attorney for Applicant  
Reg. No. 35,537

**CERTIFICATE OF TRANSMISSION (37 C.F.R. 1.8(a))**

I hereby certify that, on the date shown below, this correspondence is being transmitted by facsimile to the Patent and Trademark Office.

Date:

10/15/2004

Signature:

J. Harms



## UNITED STATES PATENT AND TRADEMARK OFFICE

TEL-00-003

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/592,321	06/13/2000	Brandon William Porter	TM00-003 US	7391
24488	7390	09/24/2004		
BEVER, HOFFMAN & HARMS, LLP 1432 CONCANNON BLVD BLDG G LIVERMORE, CA 94550-6006			EXAMINER BOUTAH, ALINA A	
			ART UNIT 2143	PAPER NUMBER

SEP 27 2004

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Resp. Atty(2): JIA  
 Action(s) Removed: RPA, APP  
 ACTION(S) ADV Due: 11/24/04  
 DKT'D:  
 Actions Remaining:  
 Today's Date: 9/27 Initials: CL

<b>Advisory Action</b>	Application No. 09/592,321	Applicant(s) PORTER ET AL	
	Examiner Alina N Boutah	Art Unit 2143	

-The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

THE REPLY FILED 25 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** (check either a) or b))

a) ☒ The period for reply expires 2 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☒ The proposed amendment(s) will not be entered because:

(a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ they raise the issue of new matter (see Note below);

(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.


Claim(s) rejected: 1-18.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

10. ☐ Other: \_\_\_\_\_

  
**ZARNI MAUNG**  
 PRIMARY EXAMINER

**Continuation Sheet (PTOL-303)**

**Application No. 009/592,321**

Continuation of 2. NOTE: Applicant as amended the claims to further clarify the invention which requires further consideration and search.

Continuation of 5. does NOT place the application in condition for allowance because: the amended claims raise new issues that would require further consideration and search.